

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28768 of 2024**

Arising Out of PS. Case No.-209 Year-2023 Thana- BATHNAHA District- Sitamarhi

Khaitun Khatoon W/O Makabul Baitha R/O Village- Digghi, Ward No..7 ,  
P.S- Bathnaha, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      15-05-2024      Heard the parties.

2. The petitioner is apprehending her arrest in connection with Bathnaha P.S. Case No. 209 of 2023 for the offence under Sections 341, 323, 307, 302 and 34 of the I.P.C. lodged on 21.05.2023 by the informant, Nagendra Gain.

3. As per the prosecution story, the informant alleged that upon information that his son is being beaten by the accused persons, rushed to the place and found that his son alongwith the son of Bhuneshwar Gain were being drowned in the ditch and assaulted. They were taken to the Sadar Hospital, Sitamarhi where son of the informant was declared dead while son of Bhuneshwar Gain was taken to the clinic of Dr. Varun for better treatment. Accordingly the FIR.

4. Learned counsel for the petitioner submits that



omnibus allegation is against all the accused persons, the petitioner is a lady and further submission is that she will be cooperating in the investigation and diligently appear in trial.

5. Learned APP opposes the prayer stating that allegation of assault is against this petitioner also.

6. This Court has gone through the FIR and finds that the allegation amongst other is against this petitioner also. However, taking sole reason of she being an aged lady and having no criminal antecedent putting her in jail will serve no purpose specially when she is ready to cooperate in the investigation and diligently appear in trial, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Sitamarhi in connection with Bathnaha P.S. Case No. 209 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

**(Rajiv Roy, J)**

Adnan/-

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